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The issue with Mr. Gates is not simply competence

The nomination of Robert M. Gates to be director of the Central Intelligence Agency presents the Senate an extraordinarily difficult decision. Mr. Gates is a veteran CIA analyst and was deputy to CIA Director William J. Casey until ill health forced Mr. Casey to resign. In terms of expertise and capacity to administer the agency, Mr. Gates may well be the best qualified person available for the job.

But Mr. Gates also shares some measure of responsibility for the Iran-scram foreign policy disasters — especially for his complicity in the decision not to inform Congress about the arms deal, thereby violating the spirit, if not the letter, of the law. His role in that — and how he regards that role — were the dominant subjects as the Senate Intelligence Committee grilled him intensively for two days this week.

His answers were not totally reassuring. For instance, he knew that money from the Iran arms sales was possibly being funneled to the contras — probably violating the law — weeks before it was disclosed publicly. But he told only his boss, Mr. Casey. And though he supervised preparation of Mr. Casey's testimony before two congressional oversight committees last November, neither was told about the money.

Mr. Gates even dared initially this week to assert that the President holds "constitutional authority" empowering him not to inform Congress about covert operations, despite laws to the contrary. He also initially contended that the CIA director is not obliged to inform Congress if he learns of illegal acts by the National Security Council. At that Sen. Sam Nunn (D., Ga.) hit the ceiling, and, after a recess, Mr. Gates changed his tune. He averred that of

course he would inform Congress. He said his biggest regret was that the CIA had kept Congress in the dark so long. In the end he vowed complete candor with Congress, if only the Senate would confirm him.

It's easy to sympathize with Mr. Gates. The business of the CIA requires secrecy and, at times, even deceit. And though the CIA evidently practiced those black arts to excess in Iran-scram, Mr. Gates was not primarily responsible. It can be argued that he was only a loyal assistant. Now he promises that he has learned his lesson.

Yet even if that were the case, even if Mr. Gates would abide strictly by his new-found respect for the CIA's legal obligation to account to Congress, even if he would be the most able administrator the CIA could get, the Senate should reject his nomination. Far more is at stake here than one man's technical competence. Mr. Gates was at William Casey's elbow as a key insider while the CIA helped perpetrate some of the worst foreign-policy blunders in U.S. history.

Congress — and the country — are daily learning more about just what a shambles has been made of U.S. foreign policy, and of how those who made it abandoned respect for law, procedure and accountability in making it. To approve the promotion of Mr. Gates, who was a participant in this, would send a signal that the Senate is willing to tolerate such methods.

The Senate must not do that. Instead the Senate should insist upon appointment of an outsider of impeccable integrity, someone whose appointment symbolizes senatorial assertion that respect for law and public accountability is primary.